

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHRISTINA R. PAOLI,

Plaintiff,

v.

THE STATE OF DELAWARE, and
DELAWARE TECHNICAL AND
COMMUNITY COLLEGE,

Defendants.

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C.A. No. 06-462-GMS

A N S W E R

The defendant, State of Delaware [“State”], hereby answers the complaint as follows:

1. This is a legal contention for which no response is required.
2. This is a legal contention for which no response is required.
3. This is a legal contention for which no response is required.
4. Answering defendant is without sufficient information to form a belief as to the truth of the paragraph.
5. Admitted that named answering defendant is the State. It is denied that the principle address of the College is in Newark, Delaware.
- 6 – 23. Answering defendant is without sufficient information to form a belief as to the truth of these paragraphs.
24. Denied.
25. This is an incorporation paragraph to which no response is required.

26. Denied.
27. Denied.
28. This is an incorporation paragraph to which no response is required.
29. Denied.
30. This is a legal contention for which no response is required.
31. This is an incorporation paragraph to which no response is required.
32. Denied.
33. Denied.
34. Denied.
35. This is an incorporation paragraph to which no response is required.
36. Denied.
37. This is an incorporation paragraph to which no response is required.
38. Denied.
39. Denied.
40. This is an incorporation paragraph to which no response is required.
41. Denied.
42. Denied.
43. Denied.
44. Denied.
45. This is an incorporation paragraph to which no response is required.
46. Denied.
47. This is a legal contention for which no response is required.

48. This is an incorporation paragraph to which no response is required.

49. Denied.

50. Denied.

51. Denied.

52. This is an incorporation paragraph to which no response is required.

53. This is a legal contention for which no response is required.

54. Denied.

55. Denied.

56. This is not an allegation.

57. Denied.

58. This is a legal contention for which no response is required.

Defenses

59. The complaint fails to state a legal claim for which relief can be granted.

60. The plaintiff has failed to properly exhaust her administrative remedies as required by law.

61. The other defendant took prompt remedial action upon learning of plaintiff's concerns.

62. The matter is in whole, or in part, time barred under the appropriate statute of limitation or repose or by some administrative time requirement.

63. The matter is barred by the Eleventh Amendment to the U.S. Constitution.

64. The district court lacks jurisdiction under Art. III, § 2, clause 2.

65. The complaint should be dismissed for a lack of personal jurisdiction over answering defendant or for the failure to properly effect service of process.

66. The State law claims, if any, are barred by sovereign immunity under the Delaware Constitution and the State Tort Claims Act, 10 *Del.C.* § 4001 et seq.

WHEREFORE, defendant, State of Delaware, asks for judgment in its favor for all that is just and proper, including dismissal of the action and assessment of costs against the plaintiff.

STATE OF DELAWARE
Department of Justice

/s/ Marc P. Niedzielski
Marc P. Niedzielski (# 2616)
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DATED: October 26, 2006

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CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated he caused a copy of the
attached Answer to the Complaint to be served as indicated Mail on the following:

Via U.S. Mail

Christina R. Paoli
34363 Summerlyn Drive
No. 204
Lewes, DE 19958

Via Electronic Delivery

Marc Stephen Casarino
White & Williams LLP
824 Market Street, Suite 902
P.O. Box 709
Wilmington, DE 19899-0709
casarinom@whiteandWilliams.com

**STATE OF DELAWARE
Department of Justice**

/s/ Marc P. Niedzielski
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